

REMARKS

The Office Action mailed March 30, 2005 has been carefully considered. Claims 1, 2, 4, 5, 10 and 14-16 have been amended, and the application still contains Claims 1-26. No new claims have been added, so no fee is due for the claims. However, inasmuch as this Response is being filed with a two-month extension request, the fee for such extension is enclosed.

In the Office Action, the Examiner objected to the number of the claims in that there were two claim numbers '13.' The second misnumbered claim has been renumbered '14.' The Examiner also objected to the word 'and' in line 2 of claim 10, which word has been amended to read 'an.' The Examiner also rejected claims 1, 3-4, 6-7, 10-11 and 16 under 35 U.S.C. §102(b) as being anticipated by Epstein (U.S. Patent No. 3,601,916). Claims 8-9 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Epstein and claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Epstein in view of Hanlon (U.S. Patent No. 4,372,086). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Epstein in view of Tuttle et al. (U.S. Patent No. 5,323,826) and claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Epstein in view of Lowthian (U.S. Patent No. 2,845,758). Finally, claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Epstein in view of Baumgartner (U.S. Patent No. 5,934,549).

Applicant respectfully disagrees with the conclusion reached by the Examiner, however. The references cited by the Examiner fail to teach or suggest such the unique combination proposed by applicant.

The Examiner's reliance on the patent to Epstein is inappropriate in light of the Examiner's mischaracterization of the panels 12, 13 and 15, 16 as "trays." A "tray" is defined as "a flat receptacle made of wood, metal, glass, plastic, etc. with slightly raised edges or low sides,

used for holding or carrying articles” (*Webster’s New Universal Unabridged Dictionary, Deluxe Second Edition*, Dorset & Baber, 1983) (copy attached). The left and side elements in the instant invention are indeed “trays” in that they have sides in addition to a flat bottom. The claims have been amended to more fully describe this feature of the “trays.” The panels 12, 13 and 16, 16 of the device disclosed in Epstein cannot in any way be described as “trays.” These panels are merely flat surfaces. In fact, Epstein teaches away from using “trays” as the flat panels – the “Paperboard Foldable Screen” of Epstein would not be foldable if the panels had any raised sides or surfaces, as illustrated in Fig. 3 thereof. It should be noted that when in the folded position, the panels 12, 13 and 15, 16 are internal to the folded unit – if these elements had any dimensionality to them apart from their thickness, such as if they had raised sides, the unit would be incapable of folding.

It should also be appreciated that Epstein includes a horizontal fold, which is not included in the instant presentation display. The horizontal fold presents a structural weakness to the unit, and is aesthetically unappealing as well.

Furthermore, the Examiner states that the device of Epstein includes a “shelf attachment means, described as slots 38. These slots 38 are provided for the attachment of a graphic or the like, and are entirely inappropriate for the attachment of a shelf. Inasmuch as the slots 38 and provided for the attachment of a graphic, the Examiner’s reliance on Lowthian is inappropriate.

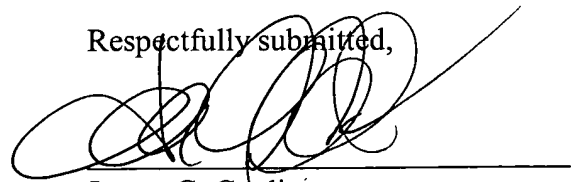
Finally, while the Examiner states that the device of Epstein could be composed of a single piece of material, this is not possible given the structure disclosed therein. Several pieces of material and adhesives are required to create the support folds 24 and to attach the panels. In fact, Epstein clearly states that an adhesive is required to attach separate elements (col. 1, ll. 59-61). Thus the Examiner’s reliance on Hanlon is misplaced. And while Tuttle does indeed

disclose the assembly of a panel using glue, since the panels in Epstein cannot be described as trays, such patent is not relevant.

For the aforementioned reasons, applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. Applicant further submits that dependent claims 2-15, distinguish over the references of record for the same reason as claim 1 (amended), and are therefore also in condition for immediate allowance. Claim 16 has been amended to include the same limitations as claim 1 (amended). Applicant submits that such claim is now in condition for immediate allowance for the same reasons as claim 1 (amended).

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James G. Coplit', is written over a horizontal line. The signature is stylized with loops and a long, sweeping tail that extends to the right.

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